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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-641

12 **MARITES TURALLO YU, AKA**
13 **MARITES YU, AKA**
MARITES TURALLO EDWARDS
14 1311 Fairmont Street
Durham, North Carolina 27713

A C C U S A T I O N

15 **Registered Nurse License No. 515272**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1995, the Board issued Registered Nurse License Number
24 515272 to Marites Turallo Yu, also known as Marites Yu, and Marites Turallo Edwards
25 ("Respondent"). The Registered Nurse License expired on January 31, 1997.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with Code section 2750) of the
2 Nursing Practice Act.

3 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
5 period within which the license may be renewed, restored, reissued, or reinstated.

6 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
7 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
8 to render a decision imposing discipline on the license.

9 STATUTORY PROVISIONS

10 6. Code section 2761 states, in pertinent part:

11 The board may take disciplinary action against a certified or licensed nurse or
12 deny an application for a certificate or license for any of the following:

13 (a) Unprofessional conduct, which includes, but is not limited to, the
14 following:

15 (4) Denial of licensure, revocation, suspension, restriction, or any other
16 disciplinary action against a health care professional license or certificate by another
17 state or territory of the United States, by any other government agency, or by another
18 California health care professional licensing board. A certified copy of the decision
19 or judgment shall be conclusive evidence of that action.

17 COST RECOVERY

18 7. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

24 CAUSE FOR DISCIPLINE

25 (Out-of-State Discipline)

26 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
27 on the grounds of unprofessional conduct, in that on or about November 3, 2009, Respondent
28 signed a contract to participate in the State of North Carolina's Alternative Program for Chemical


1 Dependency. The contract provided that Respondent's failure to comply with the contract
2 provisions would result in the voluntary surrender of Respondent's license. On March 19, 2012, it
3 was determined that Respondent failed to comply with the terms of the contract by testing
4 positive on a random drug screen. Effective March 19, 2012, the North Carolina Board of
5 Nursing invoked the voluntary surrender of Respondent's Registered Nurse Certificate #143330
6 pursuant to an *Order to Invoke Voluntary Surrender Following Non-Compliance with Alternative*
7 *Program for Chemical Dependency* (attached hereto as **Exhibit A** and incorporated herein by
8 reference).

9 **PRAYER**

10 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 515272, issued to
13 Marites Turallo Yu, also known as Marites Yu, and Marites Turallo Edwards;
- 14 2. Ordering Marites Turallo Yu, also known as Marites Yu, and Marites Turallo
15 Edwards, to pay the Board of Registered Nursing the reasonable costs of the investigation and
16 enforcement of this case, pursuant to Code section 125.3; and,
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: FEBRUARY 20, 2013


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

*Order to Invoke Voluntary Surrender Following Non-Compliance with
Alternative Program for Chemical Dependency*

Registered Nurse License of Marites Turallo Edwards
North Carolina Board of Nursing

**ORDER to Invoke Voluntary Surrender Following
Non-Compliance with
Alternative Program for Chemical Dependency (AP)**

Before the Board of Nursing of the State of North Carolina

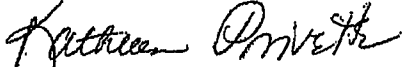
Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) **invokes the voluntary surrender** of the Registered Nurse license of Marites Turallo Edwards for violation of the **AP** contract.

- 1) Marites Turallo Edwards is the holder of Registered Nurse Certificate #143330 in the State of North Carolina which expires on 12/31/2013.
- 2) On **11/3/2009**, Marites Turallo Edwards signed a **contract** for participation in the Board's **AP**.
- 3) Participation in the program requires that the Licensee must adhere to all the provisions of the **contract**.
- 4) The **contract** conditions clearly state that if evidence was received of non-compliance with the terms of the **contract**, participation in the program would be terminated and the license would be **voluntarily surrendered** for a minimum of **one (1) year** and until the Licensee submits evidence of a minimum of one (1) year of sobriety as defined by Board policy.
- 5) On **3/19/2012** it was determined Marites Turallo Edwards failed to comply with the AP contract when she tested positive on a random drug screen.
- 6) Therefore, the license of Marites Turallo Edwards is hereby **VOLUNTARILY SURRENDERED** and the Licensee must immediately **CEASE AND DESIST** from the practice of Nursing in North Carolina.
- 7) Because the violation constitutes a breach of a contract, with specified consequences related to such breach, there is no right to appeal this decision.
- 8) This ORDER to **Invoke Voluntary Surrender** will be placed in the Licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
- 9) The Licensee's name will appear on the Board's Website indicating that the license was **voluntarily surrendered** for non-compliance with program requirements.
- 10) During the time of **voluntary surrender**, the Licensee is not to work as an NAI, and it will be recommended to Division of Health Services Regulation that the Licensee not be allowed to list as a NAI.

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- 11) All disciplinary actions taken by the Board of Nursing will be reported to the appropriate entities as outlined in Board policy, and as required by State and/or Federal guidelines. Those entities include, but may not be limited to: NURSYS; National Practitioner Databank (NPDB); the office of the Inspector General; Healthcare Integrity and Protection Databank (HIPDB); and any other state/jurisdiction in which we know the Licensee is or has been licensed.

This the 19th day of March, 2012.



Kathleen G. Privette, RN, MSN, NEA-BC
Manager, Drug Monitoring Programs

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